

FILED
JAMES BONINI

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

2009 JAN 23 PM 3:41
U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WESTERN DIV. DAYTON

James McQuerter,

Petitioner, : Case No. 3:08-cv-327

- vs -

: District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

Warden Lebanon Correctional Institution :

:

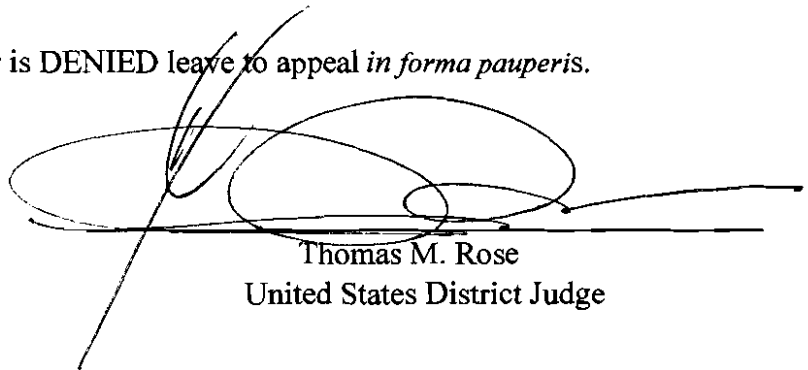
Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #9), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, Petitioner is DENIED leave to appeal *in forma pauperis*.

January 23, 2009



Thomas M. Rose
United States District Judge